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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,485	09/19/2003	Atsuo Miyajima	MM5028	8011

1109 7590 06/28/2006

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1251 AVENUE OF THE AMERICAS
NEW YORK,, NY 10020-1182

EXAMINER

KRISHNAMURTHY, RAMESH

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,485

Applicant(s)

MIYAJIMA, ATSUGO

Examiner

Ramesh Krishnamurthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,4,5,6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This office action is responsive to amendment filed 04/10/2006.

Claims 2 – 6 are pending.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 2 – 4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyajima et al. (US 6,397,884)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Miyajima et al. ('884) discloses a connector equipped with a valve, comprising: a connector housing (10) comprising: a through path; a tube connection section being formed at a first axial side (near (20) in Fig. 5); a pipe insertion section being formed at a second axial side (near (34)); an internal valve (23) disposed in said connector housing to open and close said through path; a valve housing section disposed between a pipe insertion section side end of said tube connection section and said pipe insertion

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section, an inner diameter of said valve housing section being larger than an inner diameter of said tube connection section; said internal valve comprising: a valve seat surface (22) formed on an inner surface of said housing between said tube connection section and said valve housing section;; a main valve body (23) housed in said valve housing section and allowing axial movement the main valve body including a closing section having an outer perimeter section; an abutting surface formed on said outer perimeter section and abutting said valve seat surface (22); and a compression spring (26) biasing said main valve body toward a first axial side; and a cylindrical bushing (Fig. 5) being fitted to said pipe insertion section and filling a space between an inner perimeter surface of a first axial side of said pipe insertion section and an insertion-side end of an inserted pipe body. A valve cap (21) is provided that is integrally formed with the bushing and also receives a second axial end of the spring (26). The valve seat surface is linear and the abutting surface of the closing element (53) is formed as an arc projecting outward in cross-section (Figs. 8, 9). Figure 6 shows an embodiment wherein one end of the spring is disposed in a support groove.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyajima et al. as applied to claims 2 – 4 and 6 above, and further in view of Brown (US 4,474,189) or JP 11002348 A.

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The patent to Miyajima et al. ('884) discloses the claimed invention with the exception of explicitly disclosing a small through hole in the closing section of the main valve body.

Brown discloses a through hole (35) in the closing section of a main valve body (34) and the document JP 11002348 A discloses a through hole (7) in the main valve body (6) and in each case the through hole provides fluid communication across the valve body i.e. between the upstream and downstream sides even with the valve body in a closed position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided in Miyajima et al. a through hole in the main valve body for the purpose providing fluid communication between the upstream and downstream sides of the valve body, as recognized by Brown and JP 11002348 A.

Response to Arguments

5. Applicant's arguments filed 04/10/2006 with respect to claims 2 - 6 have been considered but are found to be unpersuasive. Applicant has identified three features that are allegedly not disclosed in Miyajima et al. (page 5 of the response filed 04/10/2006). However, as set forth above Miyajima et al. does disclose each of these three features. The main valve body does clearly include a closing section (23). Applicant has provided no specifics addressing the rejection of claim 5. Specifically applicant has failed to be explicit about how either Brown or JP '348 A document fails to disclose/teach the elements set forth in the office action above.

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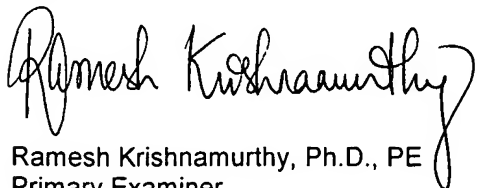
● **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (571) 272 – 4914. The examiner can normally be reached on Monday - Friday from 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel, can be reached on (571) 272 – 4929. The fax phone number for the organization where this application or proceeding is assigned is (571) 273 – 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ramesh Krishnamurthy, Ph.D., PE
Primary Examiner
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